

# CITY OF HORSESHOE BAY

## CITY COUNCIL PUBLIC MEETING AND PUBLIC HEARINGS

February 20, 2007

The Council of the City of Horseshoe Bay held a Public Meeting and Public Hearings at City Hall, located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, February 20, 2007, in accordance with duly posted notice of said meeting. Mayor Bob Lambert called the meeting to order at 3:00 p.m. with a quorum of Council Members present as follows:

Robert W. Lambert, Mayor  
James E. Babcock, Mayor Pro Tem  
John Bird, Alderman  
Karen Wines, Alderwoman  
Richard Rantzow, Alderman  
Jeff Robinson, Alderman

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered with the agenda subject and item number shown preceding the applicable paragraph.

1. Call to Order and Establish a Quorum: Mayor Bob Lambert called the Public Meeting to order at 3:00 p.m. with a quorum present. Father Peter Higgins from St. Paul the Apostle Catholic Church led the invocation. Mayor Lambert then led the pledge of allegiance to the United States Flag and the Texas Flag.
2. Comments from Mayor: Mayor Lambert welcomed everyone in attendance. He repeated the procedures the Council has adopted concerning the meetings. The public is encouraged to make comments to the City Council; however, it is required that the public sign up for a specific agenda item and speak at a podium in order to be recorded, and each speaker is asked to identify themselves to the Council. Each person is allowed to make comments for up to three minutes. There will be no questions and answers or discussion between the audience and the Council. The speaker may make comments at the beginning of an agenda item then the Council will discuss the item without interruption. The Mayor then asked that anyone that would like to speak and had not signed up to do so at this time.
3. Comments from Aldermen: Alderwoman Wines stated that the blasting ordinance is in its final stages, will be on the website soon and will be presented to the Council in March. She also thanked Father Higgins for coming. Alderman Rantzow stated he has received information on LCRA training sessions. He plans to go to the sessions on Land Development Financing and Ethics for Local Governments. He added that if any other members of the Council wished to go to let him know. Alderman Robinson spoke on his concerns for water conservation and the drought conditions. He added he would like to have this placed on the agenda in the near future in order to address the voluntary water conservation issue.
4. Public Comments: There were no public comments.

5. Presentation to the City of Horseshoe Bay from Cottonwood Volunteer Fire Department: Mike Butler, Captain of the Cottonwood Shores Volunteer Fire Department, and Lanny Atchley, Fire Chief of the CSVFD as well as an employee of the Horseshoe Bay Fire Department, were introduced. Captain Butler thanked the City of Horseshoe Bay for donating 12 airpicks to the CSVFD that were no longer being used by the City. He then presented Mayor Lambert and Fire Chief Jim Fiero each with a plaque.
10. Public Hearing Regarding Application for Amendment to Zoning Ordinance of 6.37 acres consisting of all Lot Nos. 2 through 7 and Portions of Lot Nos. 1, 8, 35 through 38 of Lago Escondido, Plat No. 4.1, Llano Co., Texas: Mayor Lambert stated with the Council's consent he would like to consider this agenda item next. He convened the Public Hearing at 3:10 p.m. The following citizens spoke in opposition of the rezoning and asked that the Council deny the zoning change today: John Malesovas, Steve Dent, Billy Lapham, Hugh Reed, Ron Peterson, Wm. J. Fretz, Lisa Malesovas, Ronnie Yates, Christine Reed, Gil Wilkinson, Jim Harrod, Sam Boyd, Dan Heindel, Bob Grinnell, Neven Hudson, and Bryan Brademan. Dean Blaine with Lago Escondido stated that he had attended POA meetings in an effort to gain input as to what might be acceptable to the property owners of Applehead Island and the Anchorage. Mayor Lambert adjourned the Public Hearing at 3:50 p.m.
11. Application for Amendment to Zoning Ordinance of 6.37 Acres consisting of all Lot Nos. 2 through 7 and Portions of Lot Nos. 1, 8, 35 through 38 of Lago Escondido, Plat No. 4.1, Llano Co., Texas: Alderwoman Wines stated she felt the Council needed to listen to the public and that the amendment should be denied. Alderman Babcock thanked everyone for their comments and emails. He added that when the City was first incorporated there were plans to build a twin six story tower; 240 unit development on the Rock and it was in all likelihood grandfathered; therefore, he is pleased the discussion is on whether there will be 39 or 52 units instead of the 240. The repeated concern he heard was if this change is allowed how they could be assured it would not change at a later date. He said it is possible to write a Development Agreement that would address the concerns of the public stating how the entire development will be done. This could include no jet skis and no party areas. He added he feels Dean Blaine is trying to do whatever is needed to get approval from the neighboring areas. Mr. Babcock suggested a committee be formed consisting of Alderman Robinson; members of the concerned public from Applehead Island, Moon Isle and the Anchorage; and Dean Blaine, the developer of Lago Escondido, in order to address the concerns and possibly come to an agreement and then come back to the Council in 30 days to see if some of the differences can be settled. He added the City Council represents both the property owners and the developers in the City. Alderman Bird stated he thinks there is an opportunity for everyone to work out their differences. Alderman Rantzow said he felt the Council should turn down this application. Alderman Robinson stated he would like to make sure everyone has the correct information concerning this development in order to make an informed decision and he agreed with Alderman Babcock concerning the need for a committee. Alderman Babcock recommended this item be tabled for 30 days. Alderman Rantzow made the motion to deny the application to amend the Zoning Ordinance; however he encouraged the parties to get back together and try to resolve their differences. Alderwoman Wines seconded the motion. Alderman Babcock stated he disagreed and if the application were denied at this time, there would be no urgency for Applehead Island and Anchorage property owners to try to work out a solution. City Attorney Akers added that the applicant has a right to develop this area and to develop it in a certain way. He stated he felt tabling this issue had some merit rather than turning it down at this time. The motion failed by a vote of 2 ayes and 3 nays. Alderman

Babcock made the motion to table consideration of this item for 30 days and to form a committee consisting of Alderman Robinson, representatives of the Applehead Island, Moon Isle, and Anchorage POA's, and the developer in order to attempt to work out issues of concern. Alderman Bird seconded the motion. The motion passed unanimously (5-0). Alderman Robinson will recruit committee members to work with himself and Dean Blaine from Lago Escondido in order to place this item on the March 20, 2007 agenda.

Regular Meeting Adjourned for a Recess: At 4:20 p.m., Mayor Lambert announced that the meeting would adjourn for a short recess.

Regular Meeting Resumed: At 4:32 p.m., Mayor Lambert reconvened the meeting.

6. Aquatic Vegetation in Lake LBJ: General Manager Thuss requested that the Council authorize him to proceed with negotiations with LCRA to finalize plans for a program to eradicate aquatic vegetation and to spend up to \$25,000.00 for the project. This would treat most of the problem areas of the City and would be done in March. The City would purchase the herbicide and the LCRA would provide labor and knowledge, as well as assist in getting Texas Parks and Wildlife approval for the project. Alderman Rantzow made the motion to approve a line item transfer of \$25,000 from the \$100,000 contingency fund for the aquatic vegetation project and to authorize General Manager Thuss to negotiate an agreement with LCRA. Alderman Robinson seconded the motion. The motion passed unanimously (5-0).
7. Items to be removed from the Consent Agenda: There were no items to be removed from the Consent Agenda. Alderman Rantzow asked General Manager Mike Thuss about the need to obtain additional easements prior to installing the new wastewater line addressed in Item 8.1. The problem occurred because the old line was not in the easement. There is no likely recourse due to the fact it was installed 35 years ago.
8. Consent Agenda Items:
  - a. Minutes of the January 9, 2007 and the January 23, 2007 Public Meetings
  - b. Final Plat Approval:
    - i. Replat of Lot No. 50010, Horseshoe Bay Plat No. 50.1 and Lot No. 50011-A, Horseshoe Bay Plat No. 50.3, to be known as Horseshoe Bay Plat No. 50.4, Llano County, Texas
    - ii. Replat of Lot Nos. 13020, 13021 and 13022, Horseshoe Bay Plat No. 13.1 and Lot No. 13024-A, Horseshoe Bay Plat No. 13.3, to be known as Horseshoe Bay Plat No. 13.6, Llano County, Texas
    - iii. Replat of Lot No. 25052-A, Horseshoe Bay Plat No. 25.5, to be known as Horseshoe Bay Plat No. 25.10, Llano County, Texas
    - iv. Replat of Lot Nos. W10027 and W10028, Horseshoe Bay West Plat No. W10.1, to be known as Horseshoe Bay West Plat No. W10.7, Llano County, Texas
    - v. Platting of a 0.64 acre tract out of the Levi Mercer Survey No. 2, to be known as Horseshoe Bay West Plat No. W14.4, Llano County, Texas
  - c. Interlocal Agreement with Llano County for On-Site Sewage Facilities
  - d. Resolution to Adopt Appropriate Records Control Schedules Issued by the Texas State Library and Archives Commission
  - e. Resolution to Adopt a Records Management Plan

- f. Resolution to Adopt Hart InterCivic, Inc. eSlate System v. 6.1 for all Future Elections
- g. Amended Ordinance No. ORD 07-01-23 Calling the Special Election for Sales Tax
- h. Contract for Election Services with the Llano County Clerk and Joint Election Agreement with the Llano ISD
- i. Appointment of Municipal Court Clerk
- j. Name Change to Existing Street in City
  - i. Buck Street located in HSB West to Ramrock Drive
- k. Street Name Approval
  - i. Ramrock Drive
- l. Award of Contract for the Wastewater Transmission Force Main Rehabilitation, Phase I, City Job #411-02-14133
- m. Award of Professional Services Contract for the Design of the Wastewater Transmission Force Main Rehabilitation, Phase II, City Job #411-22-14133

Alderman Rantzow made the motion to approve the Consent Agenda. Alderman Robinson seconded the motion. The motion passed unanimously (5-0). Mayor Lambert added that Item 8.i. appointed Bobbi Baker as Municipal Court Clerk and that he appreciated her volunteering to take on this additional responsibility.

- 9. General Manager's Report: General Manager Thuss presented his report to the Council, a copy of which is attached and made a part of these minutes. He added that there would be a report recommending a program for water conservation at the March 20<sup>th</sup> Council meeting. Mr. Thuss stated the City has to renegotiate the contract with the LCRA due to the fact we have been over our allocated amount for the past two years and this will be addressed during those negotiations. Alderman Robinson asked what the procedure is to be able to take trash or recycled items to the City's recycling center. Mr. Thuss said generally citizens of the City are not asked for proof of residency prior to use; however, yard maintenance workers are required to show a copy of their employer's water bill prior to use.
- 12. Public Hearing Regarding Application for Variance to Zoning Ordinance, Zone 11, The Trails of Lake LBJ Eliminating Garage Requirement for a Single-Family Home, Llano County, Texas:
- 14. Public Hearing Regarding Application for Variance to Zoning Ordinance for Lot No. 25035-A, Horseshoe Bay, Plat No. 25.6, Llano County, Texas:  
Mayor Lambert convened both of the Public Hearings at 4:52 p.m. and stated there had been no one that had signed up to speak. There being no public comments, the Mayor adjourned the Public Hearings at 4:53 p.m.
- 13. Application for Variance to Zoning Ordinance, Zone 11, The Trails of Lake LBJ Eliminating Garage Requirement for a Single-Family Home, Llano County, Texas: This item is to request a variance to the zoning requirement that all lots provide for a garage which shall be no less than 400 square feet per dwelling. Mike Walsh explained this is the caretaker's residence and is in the back of the property in the amenities and recreational area. He does not feel it is necessary to have a garage on this house because of where it is located. Alderman Rantzow made the motion to approve the variance eliminating the garage requirement for this house. Alderman Robinson seconded the motion. The motion passed unanimously (5-0).

15. Application for Variance to Zoning Ordinance for Lot No. 25035-A, Horseshoe Bay, Plat No. 25.6, Llano County, Texas: This item is to request a variance to the zoning requirement that a principal structure shall provide side yards of not less than fifteen (15) feet. The applicant is requesting to encroach five (5) feet, and thus reduce the total setback to ten (10) feet. All property owners within 200 feet of the property were sent notice of the variance request as required, and there have been no comments received from anyone. Alderman Robinson made the motion to approve the variance as requested. Alderman Rantzow seconded the motion. The motion passed unanimously (5-0).
16. Application for Building Permit for The Enclave at Horseshoe Bay: This item is to seek approval of an application for a building permit for the development known as The Enclave at Horseshoe Bay and to set the permit fee at \$6,000 with a matching deposit. The Building Permit Ordinance states City Council approval is required for all development in excess of 10,000 square feet of impervious cover. Bill Bush with The Enclave stated they are planning a forty-eight unit project on Bay West Boulevard north of Hwy 2147. The first phase will be twenty-four units, or six buildings, which are subject to this permit. The preliminary plan was approved by the Council and they have met all of the City's building requirements. The fence and all of the infrastructure are included in this first phase. Alderman Bird made the motion to approve the building permit and the fee of \$6,000 with the matching deposit. Alderwoman Wines seconded the motion. The motion passed unanimously (5-0).
17. Preliminary Plats:
  - a. Replat of Escondido, Plat No. 1.7 to be known as Escondido, Plat No. 1.10, Llano County, Texas
  - b. Replat of Lot Nos. 49 through 53 and Greenbelt 1 of The Trails of Lake LBJ, Phase One to be known as Lot Nos. 49 through 53 and Greenbelt 1 of The Trails of Lake LBJ, Phase One
  - c. Replat of Lot Nos. 1 through 12 and 32 through 39 of Lago Escondido, Plat No. 4.1 to be known as Lago Escondido, Plat No. 4.2
  - d. Replat of Lot Nos. 4004 through 4013, Horseshoe Bay Applehead Plat No. 4.7, to be known as Horseshoe Bay Applehead Plat No. 4.7, a Replat of Lot Nos. 4004 through 4013 of Horseshoe Bay Applehead Plat No. 4.1, Llano Co., Texas
  - e. Replat of Lot No. W9010, Horseshoe Bay West Plat No. 9.1, to be known as Horseshoe Bay West Plat No. W9.8, Llano Co., Texas
  - f. Replat of Lot No. 12050, Horseshoe Bay Plat No. 12.1 and a 2560 square foot tract out of the Nicholas Mendez Survey No. 3, to be known as Horseshoe Bay Plat No. 12.21, Llano Co., Texas

Glenn Jones stated that in reference to item 17.d., an agreement had been reached between the President of Applehead POA, Trevor Dupuy and Sam Tarbet that would add a comment to the plat limiting the number total units that could be developed on the lot to 26 that would provide some control as to how many units could be built on a large multi-family lot. Alderman Babcock asked if amending the plat was sufficient or whether this would require an amendment to the Zoning Ordinance. Attorney Akers stated the replat is binding and any change to the plat in the future would require another replat and approval from the Council to do something different. Mayor Lambert thanked Sam Tarbet, Wayne Hurd and Trevor Dupuy for working this out. He then stated he would like to exclude 17.c. and asked if there were any questions on the other plats. Alderwoman Wines stated that a neighbor of the replat addressed in 17.d. had not received proper notification of the replat from the surveyor. Alderman

Babcock stated this required notification of people within 300 feet prior to the final hearing and this will be up for final consideration at the March 20, 2007 meeting if anyone had any issues they would like the Council to consider. Alderman Robinson made the motion to approve items a, b, d, e and f. Alderman Rantzow seconded the motion. There was some discussion of 17.e. dividing one lot into three single-family residential lots. Attorney Akers stated the Council cannot force the owners of this property to rezone this to a single-family lot; however, the Council can rezone in order to avoid these structures being torn down and rebuilt as multi-family at some time in the future. Mayor Lambert asked Attorney Akers to draft a resolution for the March 20<sup>th</sup> meeting that would legally convert these to single-family. Mr. Akers said he could as long as the necessary public hearings were held. The motion passed unanimously (5-0). The Mayor then said John Malesovas had signed up to speak on item 17.c. Mr. Malesovas said regarding the replat issue that if the Council does not act on this item it will have to do so at some time. He asked that the Council turn down this request at this time. Attorney Akers stated this is a replat even though it is on the agenda as a preliminary plat and has the thirty day rule and as a Council the only option is to turn this down because this is not zoned to meet that plat. He then said if the applicant requested the item be tabled it would save the applicant starting the application process over if the amendment to the zoning ordinance was approved. Dean Blaine from Lago Escondido requested Item 17.c. be tabled with the understanding that the preliminary and the final can both be considered at the March 20, 2007 meeting.

Regular Meeting Adjourned for a Recess: At 5:30 p.m., Mayor Lambert announced that the meeting would adjourn for a short recess.

Regular Meeting Resumed: At 5:40 p.m., Mayor Lambert reconvened the meeting.

18. Road Proposal: Mayor Lambert introduced Phillip Lee, HSB POA Director in charge of the road proposal. Mr. Lee stated he first presented this plan to the Council about six weeks ago. At that time there were four options based on miles of road and the cost ranged from \$8 million to \$22 million. There were commitments from the Resort, City and NRPI. The second part of the plan is to transfer the roads to the City; however, the POA maintenance fee does not go away when the roads are taken over by the City. There have been two town hall meetings attended by over 300 people and he thanked the Mayor for attending both meetings. There were many questions answered in these two meetings and these were published in the Beacon. There has been a detailed review of the plan which incorporated all comments. They have looked at all the branch roads and houses on them. The final issue has been changed to add \$1 million worth of work to the plan and this would add 140 homes. The Board now believes the assessment will be tax deductible but there is a real concern of the people that do not live on one of the roads that is being upgraded about who will do the repairs and upkeep on their roads and he feels the City needs to address this issue. The vote will begin the first of April and conclude the first of May. If the issue passes, billing will be in June for the first assessment. Mr. Lee then asked for a resolution from the City supporting the issue. Mr. Rantzow questioned on what basis the assessment is tax deductible. Mr. Lee stated that if the assessment is directly and totally on road maintenance it is deductible. Alderman Bird reported he and Alderman Robinson held a meeting with all the other POA's which was well attended. He said in general all of the roads in these other subdivisions amount to about 15% of the total roads in the City. He said almost 100% want to retain ownership to insure their ability to keep their gated communities but all might contribute to the Road Plan because they are all aware that they also use the remainder of the roads. Alderman Bird stated that it was a very positive

meeting. Mayor Lambert stated that in the public meetings he has been very reluctant to commit the City to the maintenance of the remaining sixty miles of roads due to the fact that it will probably occur several years from now and he does not know what that Council might do.

19. Mayor and Aldermen Fees and Expense Reimbursement Policy: Alderman Babcock stated when the Compensation Policy was approved, the portion that dealt with compensation for the Mayor and Aldermen had been excluded. Alderwoman Wines made the motion to approve the Mayor and Alderman Fees and Expense Reimbursement Policy and make it a part of the Compensation Policy. Alderman Robinson seconded the motion. The motion passed unanimously (5-0).

20. Lifestyle Committee Ordinance Recommendations:

- a. Smoking Ordinance
- b. Deer Feeding Ordinance
- c. Parking Ordinance
- d. Fireworks Ordinance
- e. Firearms Ordinance

City Attorney Akers gave a brief review of the Ordinances to the Council. He feels all of the Ordinances except the Parking Ordinance are basically ready for adoption at today's meeting. He stated there is an exemption for deer feeding if the property is eligible for an agricultural exemption. It was decided to eliminate Section D, subsection (b) from the Deer Feeding Ordinance which would allow feeding deer if they were in an enclosed structure. After some discussion Alderman Rantzow made the motion to approve the Smoking, Deer Feeding, Fireworks and Firearms Ordinances. Alderman Robinson seconded the motion. The motion passed unanimously (5-0).

21. Proposed Skywater Development: Mayor Lambert stated he feels the attorneys are very close to having agreements ready for the Council to review. He proposed scheduling a meeting so the Council can review those agreements with the developer. He proposed the same commitment that if the documents are not ready for distribution a week in advance of the meeting, then the meeting will be cancelled. The developer has requested that the agenda for this meeting be posted to allow for approval of the agreements at the meeting if so desired by the Council. Mayor Lambert also noted there is a document called Preliminary Assessment and Services Plan. This requires that a public notice be published two weeks in advance of the March 20<sup>th</sup> meeting. However, publishing the notice does not necessarily mean that the item will be ready for the agenda.

22. Additional City Council Meeting: Mayor Lambert discussed holding a meeting on March 6<sup>th</sup> at 1:00 p.m. in order to review the Skywater documents and possibly take action.

23. Discussion of Council Perquisites: Alderwoman Wines reported that she had made a motion at the December Council meeting for the General Manager to annually report to the Council whether or not the Mayor or the Aldermen had accepted any perquisites. Alderman Rantzow had seconded that motion; however, the item was tabled and no action was taken.

Alderwoman Wines stated that she feels the Reimbursement Policy adopted at this meeting takes care of this request and she withdrew her motion. Alderman Rantzow concurred with withdrawing the motion.

24. Planning and Zoning Commission: Alderwoman Wines stated that she thought this issue was very important to the City and she explained her reasons for this. Alderwoman Wines made the motion to form a P & Z Commission. Alderman Rantzow seconded the motion. Alderman Babcock stated that he feels the P & Z would only be a duplication of the process. He noted that the last time this issue was brought before the Council it was decided that this would be addressed again when the situation had changed substantially. He feels that it has not changed as of this time. He added that Horseshoe Bay is a very unusual City because it is 99% subdivisions, and the Architectural Committees screen issues prior to them coming to the City. He said the committees that the City has now are advisory committees and the P & Z commission would be a standing committee and that is an entirely different thing. He would not have a problem advocating an advisory committee, but not a standing committee. Alderman Rantzow said he is in favor of forming a P & Z Commission. Mayor Lambert stated he feels the citizens are given adequate opportunity to come before the Council to speak on issues. The motion failed by a vote of 2 ayes and 3 nays. Alderman Babcock made a motion that this item will not be included on the agenda again until January 2008. Alderman Robinson seconded the motion. The motion passed by a vote of 3 ayes and 2 nays.
25. Adjournment: Alderman Robinson made the motion to adjourn the meeting at 7:18 p.m. The motion was seconded by Alderman Bird. The motion passed unanimously (5-0).

APPROVED this 20th day of March, 2007.

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Robert W. Lambert, Mayor

ATTEST:

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Toni Vanderburg, City Secretary